



Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, FIRST SESSION

SENATE

WEDNESDAY, JANUARY 7, 1959

The 7th day of January being the day prescribed by Public Law 85-819, 85th Congress, 2d session, for the meeting of Congress, the 1st session of the 86th Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

RICHARD M. NIXON, of California, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Frederick Brown Harris, D.D., of the city of Washington, offered the following prayer:

Our Father, God, who amid the toils of time hath set eternity in our hearts,

Summoned by a new year and a new session to face matters that pertain to the Nation's welfare, before we talk to one another and to a listening world, we would turn to Thee, without whose guidance and help our feeble hands will fail and our striving will be losing.

Thou hast ordained that in the leadership of public affairs the welfare of the many must ever rest upon the shoulders of the few. We beseech Thee in this high hour of beginnings to give humility, understanding, and the grace of receptivity to those who in Thy name and for the Nation's sake in this hallowed Chamber are entrusted by the people with the solemn responsibility of governance.

Grant that those who here speak and act for this last best hope of humanity, as servants of the common good, may meet every problem, every task, with patriotism undefiled, with integrity unswayed, and with hatred of all pretense and expediency, in the knowledge that all great and noble service in this world is based on gentleness, patience, and truth. Even in the clash of minds wrestling with thorny questions, grant us the art of disagreeing without being disagreeable, remembering ever that a soft answer turneth away wrath and that he who keepeth his own spirit is greater than he who taketh a city.

And so with faith in the Most High that opens for us all infinite resources, with faith in one another which bridges all cleavages of opinion, with a faith that the way of the Republic is down no fatal slope, but up to freer light and air, O Thou God of the nations, bring the dear country of our hope and prayer to—

The peace that comes of purity,
The strength to simple justice due.
So runs our loyal dream of Thee
God of our fathers make it true.

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We ask it in the dear Redeemer's name. Amen.

CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Senators JORDAN, of North Carolina, and RANDOLPH, of West Virginia, elected to fill unexpired terms ending January 2, 1961, together with the credentials of the 32 Senators elected for 6-year terms ending January 2, 1965.

The credentials follow the form suggested by the Senate in all except two cases, which doubtless follow State forms.

If there be no objection, the credentials will be printed in the RECORD without being read, and will be placed on file.

The certificates of election were ordered to be printed in the RECORD and placed on file, as follows:

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, B. EVERETT JORDAN was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term expiring on the 3d day of January 1961.

Witness: His Excellency our Governor, Luther H. Hodges, and our seal hereto affixed at Raleigh, this 3d day of December, in the year of our Lord 1958.

LUTHER H. HODGES,
Governor.

By the Governor:
[SEAL] THAD EURE,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, JENNINGS RANDOLPH was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the unexpired term of the late Senator Matthew M. Neely ending the 3d day of January 1961.

Witness: His Excellency our Governor, Cecil H. Underwood, and our seal hereto affixed at Charleston, W. Va., this 8th day of December, in the year of our Lord 1958.

CECIL H. UNDERWOOD,
Governor.

By the Governor:
[SEAL] HELEN HOLT,
Secretary of State.

THE STATE OF MARYLAND,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, J. GLENN BEALL was duly chosen by the qualified voters of the State

of Maryland a Senator from said State to represent Maryland in the Senate of the United States for a term of 6 years beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, Theodore M. McKeldin, and our seal hereto affixed at the city of Annapolis, this 26th day of November in the year of our Lord 1958.

THEODORE R. MCKELDIN,
Governor.

[SEAL] CLAUDE B. HELLMANN,
Secretary of State.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, HARRY FLOOD BYRD was duly chosen by the qualified electors of the State of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Given under my hand and the lesser seal of the Commonwealth, at Richmond, this 24th day of November, in the year of our Lord 1958, and in the 183d year of the Commonwealth.

J. LINDSAY ALMOND, Jr.,
Governor.

By the Governor:
[SEAL] MARTHA BELL CONWAY,
Secretary of the Commonwealth.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, ROBERT C. BYRD was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, Cecil H. Underwood, and our seal hereto affixed at Charleston, W. Va., this 8th day of December, in the year of our Lord 1958.

CECIL H. UNDERWOOD,
Governor.

By the Governor:
[SEAL] HELEN HOLT,
Secretary of State.

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify, that at a general election held in the State of Nevada on Tuesday, the 4th day of November 1958, HOWARD W. CANNON was duly elected by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959, having received the highest number of votes cast for said office at said election, as appears by the certificate of the duly constituted and qualified board of canvassers now on file in the office of the Secretary of State at Carson City, Nev.

In testimony whereof, I have hereunto set my hand and caused the great seal of State

to be affixed at Carson City, this 19th day of December, in the year of our Lord 1958.

CHARLES H. RUSSELL,
Governor.

By the Governor:
[SEAL]

JOHN KOONTZ,
Secretary of State.

STATE OF NEW MEXICO.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, DENNIS CHAVEZ was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Edwin L. Mechem, and our seal hereto affixed at Santa Fe, this 20th day of November, in the year of our Lord 1958.

E. L. MECHEM,
Governor.

EUGENE D. LUJAN,
Chief Justice of New Mexico.

By the Governor:

[SEAL] NATALIE SMITH BUCK,
Secretary of State.

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, THOMAS J. DODD was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Abraham Ribicoff, and our seal hereto affixed at Hartford, this 26th day of November, in the year of our Lord 1958.

ABRAHAM RIBICOFF,
Governor.

[SEAL] MILDRED P. ALLEN,
Secretary of State.

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, CLAIR ENGLE was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Goodwin J. Knight, and our seal hereto affixed at Sacramento, Calif., this 15th day of December, in the year of our Lord 1958.

GOODWIN J. KNIGHT,
Governor.

By the Governor:

[SEAL] FRANK M. JORDAN,
Secretary of State.

CERTIFICATE OF ELECTION

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, Wesley Bolin, secretary of state, State of Arizona, do hereby certify that, at a general election held in said State of Arizona on the 4th day of November, A.D. 1958 BARRY GOLDWATER was duly elected to the office of United States Senator in and for said State of Arizona, as appears by the official State canvass or certifications on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Arizona. Done at Phoenix, A.D. 1958, this 5th day of December, A.D. 1958.

[SEAL] WESLEY BOLIN,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958 ALBERT GORE was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, Frank G. Clement, Governor of Tennessee; George F. McCannless, attorney general of Tennessee, and our seal hereto affixed, at the State Capitol, on the 28th day of November, in the year of our Lord 1958.

FRANK G. CLEMENT,
Governor.

By the Governor:

GEORGE F. MCCANNLESS,
Attorney General of Tennessee.

Attest:

[SEAL] JOE C. CARR,
Secretary of State.

STATE OF MICHIGAN

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, PHILIP A. HART was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, G. Mennen Williams, and our seal hereto affixed at Lansing, Mich., this 5th day of December, in the year of our Lord 1958.

G. MENNEN WILLIAMS,
Governor.

By the Governor:

[SEAL] JAMES M. HARE,
Secretary of State.

STATE OF INDIANA,
EXECUTIVE DEPARTMENT,
Indianapolis, Ind.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, R. VANCE HARTKE was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Harold W. Handley and our seal hereto affixed at Indianapolis, Ind., this 17th day of November in the year of our Lord 1958.

HAROLD W. HANDLEY,
Governor.

By the Governor:

[SEAL] FRANK A. LENNING,
Secretary of State.

STATE OF FLORIDA,
Tallahassee.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, SPRESSARD L. HOLLAND was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, LeRoy Collins, and our seal hereto affixed at Tallahassee, this 17th day of November in the year of our Lord 1958.

LEROY COLLINS,
Governor.

By the Governor:

[SEAL] R. A. GRAY,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, ROMAN L. HRUSKA was duly

chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Victor E. Anderson, and our seal hereto affixed at Lincoln, this 17th day of December, in the year of our Lord 1958.

VICTOR E. ANDERSON,
Governor.

By the Governor:

[SEAL] FRANK MARSH,
Secretary of State.

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, HENRY M. JACKSON was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

In witness whereof I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 4th day of December, A.D., 1958.

ALBERT D. ROSELLINI,
Governor of Washington.

By the Governor:

[SEAL] VICTOR A. MEYERS,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, KENNETH B. KEATING was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Averell Harriman, and our seal hereto affixed at Albany, this 10th day of December, in the year of our Lord 1958.

AVERELL HARRIMAN,
Governor.

By the Governor:

[SEAL] CARMINE G. DESAPIO,
Secretary of State.

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, JOHN F. KENNEDY was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Foster Furcolo, and our seal hereto affixed at Boston, this 4th day of December, in the year of our Lord 1958.

ROBERT F. MURPHY,
Acting Governor.

By his honor the Lieutenant Governor:

[SEAL] J. HENRY GOGUEN,
Secretary of the Commonwealth.

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
Bismarck.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, WILLIAM LANGER, of Bismarck, N. Dak., was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His excellency, our Governor, John E. Davis, and our seal hereto affixed at Bis-

marck, N. Dak., this 28th day of November, in the year of our Lord 1958.

JOHN E. DAVIS,
Governor.

By the Governor:
[SEAL]

BEN MEIER,
Secretary of State.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, EUGENE J. MCCARTHY was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Orville L. Freeman, and our seal hereto affixed at the capitol, in St. Paul, this 1st day of December, in the year of our Lord 1958.

ORVILLE L. FREEMAN,
Governor.

By the Governor:
[SEAL]

JOSEPH L. DONOVAN,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, GALE MCGEE was duly chosen by the qualified electors of the State of Wyoming as Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor Milward L. Simpson, and our seal hereto affixed this 5th day of December, in the year of our Lord 1958.

MILWARD L. SIMPSON,
Governor.

By the Governor:
Attest:

[SEAL] EVERETT T. COPENHAVER,
Secretary of State.

THE STATE OF MONTANA,
EXECUTIVE CHAMBERS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, MIKE MANSFIELD was duly chosen by the qualified electors of the State of Montana a Senator from this State to represent the State of Montana in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, J. Hugo Aronson, and our seal hereto affixed at Helena, this 10th day of December in the year of our Lord 1958.

J. HUGO ARONSON,
Governor.

By the Governor:
[SEAL]

FRANK MURRAY,
Secretary of State.

STATE OF UTAH,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, FRANK E. (TED) MOSS was duly chosen by the qualified electors of the State of Utah, a Senator from said State to represent said State in the Senate of the United States, for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, George D. Clyde, and our seal hereto affixed at Salt Lake City, this 25th day of November, in the year of our Lord 1958.

GEORGE D. CLYDE,
Governor.

By the Governor:
[SEAL]

LAMONT F. TORONTO,
Secretary of State.

STATE OF MAINE.

To All Who Shall See These Presents,
Greeting:

Know ye, that EDMUND S. MUSKIE, of Waterville, in the county of Kennebec, on the 8th day of September, in the year of our Lord 1958, was chosen by the electors of this State, a U.S. Senator to represent the State of Maine in the U.S. Senate, for the term of 6 years, beginning on the 3d day of January 1959.

In testimony whereof, I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta, the 3d day of December in the year of our Lord 1958, and in the 183d year of the independence of the United States of America.

By the Governor:

HAROLD I. GOSS,
Secretary of State.

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence, December 12, 1958.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, JOHN O. PASTORE was duly chosen by the qualified electors of the State of Rhode Island a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Dennis J. Roberts, and our seal hereto affixed at Providence, this 12th day of December in the year of our Lord 1958.

DENNIS J. ROBERTS,
Governor.

By the Governor:
[SEAL]

JOHN A. NOTTE, JR.,
Secretary of State.

STATE OF VERMONT,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, WINSTON L. PROUTY was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Joseph B. Johnson, and our seal hereto affixed at Montpelier, this 18th day of November, in the year of our Lord 1958.

JOSEPH B. JOHNSON,
Governor.

By the Governor:
[SEAL]

HOWARD E. ARMSTRONG,
Secretary of State.

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, WILLIAM PROXMIRE was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the full term of 6 years, commencing on the 3d day of January, A. D. 1959.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed. Done at the capitol in the city of Madison, this 20th day of November, in the year of our Lord 1958.

VERNON W. THOMSON,
Governor.

By the Governor:
[SEAL]

ROBERT C. ZIMMERMAN,
Secretary of State.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, HUGH SCOTT was duly chosen by the qualified electors of the Commonwealth of Pennsylvania a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, George M. Leader, and our seal hereto affixed at the city of Harrisburg, Pa., this 8th day of December, in the year of our Lord 1958.

GEORGE M. LEADER,
Governor.

By the Governor:
[SEAL]

JOHN S. RICE,
Secretary of the Commonwealth.

EXECUTIVE DEPARTMENT,
Jackson, Miss.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, JOHN C. STENNIS was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, J. P. Coleman, and our seal hereto affixed at Jackson, Miss., this 10th day of November, in the year of our Lord 1958.

J. P. COLEMAN,
Governor.

By the Governor:
[SEAL]

HEBER LADNER,
Secretary of State.

EXECUTIVE OFFICE,
STATE OF MISSOURI,
Jefferson City.

HON. FELTON M. JOHNSTON,
Secretary, U.S. Senate,
Washington, D.C.

SIR: I, James T. Blair, Jr., Governor of the State of Missouri, hereby certify that at a general election held in the State of Missouri on the 4th day of November 1958, as provided by law, the following-named person was elected to the office named, as shown by the returns of the election certified to me by Hon. Walter H. Toberman, secretary of state of the State of Missouri: Senator in Congress, STUART SYMINGTON, Rural Route 1, Box 450, Creve Coeur, Mo.

In witness whereof, I hereunto subscribe my name and cause the great seal of the State of Missouri to be affixed at the city of Jefferson, State of Missouri, this 19th day of December, A. D., 1958.

J. T. BLAIR, JR.,
Governor.

Attest:
[SEAL]

WALTER H. TOBERMAN,
Secretary of State.
EULA H. HUSS,
Chief Clerk.

STATE OF NEW JERSEY.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1958, HARRISON A. WILLIAMS, JR., was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, Robert B. Meyner, and our seal hereto affixed at Trenton, this 2d day of December, in the year of our Lord 1958.

ROBERT B. MEYNER,
Governor.

By the Governor:
[SEAL]

EDWARD J. PATTEN,
Secretary of State.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover.

To the PRESIDENT OF THE SENATE OF THE
UNITED STATES:

This is to certify that on the 4th day of November 1958, JOHN J. WILLIAMS was duly chosen by the qualified electors of the State of Delaware a Senator from said State to represent said State in the Senate of the United States for a term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency, our Governor, J. Caleb Boggs, and our seal hereto affixed at Dover, this 18th day of November, in the year of our Lord 1958.

J. CALEB BOGGS,
Governor.

By the Governor:
[SEAL]

GEORGE J. SCHULZ,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE
UNITED STATES:

This is to certify that on the 4th day of November 1958, RALPH W. YARBOROUGH was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor of Texas, and our seal hereto affixed at Austin, Tex., this 21st day of November, in the year of our Lord 1958.

PRICE DANIEL,
Governor of Texas.

By the Governor:
[SEAL]

ZOLLIE STEAKLEY,
Secretary of State.

THE STATE OF OHIO,
OFFICE OF THE GOVERNOR,
State House, Columbus.

To the PRESIDENT OF THE SENATE OF THE
UNITED STATES:

This is to certify that on the 4th day of November 1958, STEPHEN M. YOUNG was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1959.

Witness: His Excellency our Gov. C. William O'Neill and our seal hereto affixed at Columbus, this 14th day of November, in the year of our Lord 1958.

C. WILLIAM O'NEILL,
Governor.

By the Governor:
[SEAL]

TED W. BROWN,
Secretary of State.

ADMINISTRATION OF OATH

The VICE PRESIDENT. The next order of business is the administration of the oath of office. The clerk will proceed to call the names of the Senators-elect in alphabetical order, in groups of four.

The legislative clerk called the names of Mr. BEALL, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, and Mr. CANNON.

These Senators, escorted by Mr. BUTLER, Mr. ROBERTSON, Mr. JOHNSON of Texas, and Mr. BIBLE, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. CHAVEZ, Mr. DOBB, Mr. ENGLE, and Mr. GOLDWATER.

These Senators, escorted by Mr. ANDERSON, Mr. BUSH, Mr. KUCHEL, and Mr.

HAYDEN, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. GORE, Mr. HART, Mr. HARTKE, and Mr. HOLLAND.

These Senators, escorted by Mr. KEFAUVER, Mr. McNAMARA, Mr. CAPEHART, and Mr. SMATHERS, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. HRUSKA, Mr. JACKSON, Mr. KEATING, and Mr. KENNEDY.

These Senators, escorted by Mr. CURTIS, Mr. MAGNUSON, Mr. JAVITS, and Mr. SALTONSTALL, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. JORDAN, Mr. LANGER, Mr. MANSFIELD, and Mr. MCCARTHY.

These Senators, escorted by Mr. ERVIN, Mr. YOUNG of North Dakota, Mr. MURRAY, and Mr. HUMPHREY, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. MCGEE, Mr. MOSS, Mr. MUSKIE, and Mr. PASTORE.

These Senators, escorted by Mr. O'MAHONEY, Mr. BENNETT, Mrs. SMITH of Maine, and Mr. GREEN, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. PROUTY, Mr. PROXMIER, Mr. RANDOLPH, and Mr. SCOTT.

These Senators, escorted by Mr. AIKEN, Mr. WILEY, Mr. BYRD of West Virginia, and Mr. CLARK, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. STENNIS, Mr. SYMINGTON, Mr. WILLIAMS of New Jersey, and Mr. WILLIAMS of Delaware.

These Senators, escorted by Mr. EASTLAND, Mr. HENNINGS, Mr. CASE of New Jersey, and Mr. FREAR, respectively, advanced to the Vice President's desk; the

oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

The legislative clerk called the names of Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

These Senators, escorted by Mr. JOHNSON of Texas, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause on the floor and in the galleries.]

ORDER FOR ADJOURNMENT TO 10 O'CLOCK TOMORROW

Mr. JOHNSON of Texas. Mr. President—

The VICE PRESIDENT. The Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I should like to announce for the information of the Senate that because of the fact that many Senators have been sworn in, and that they have scheduled engagements at luncheons during the afternoon, we do not anticipate any votes in the Senate. So far as the leadership is aware, we will have none.

I desire to make a brief statement later in the afternoon before the Senate adjourns, but at this stage I should like to ask unanimous consent that when the Senate concludes its business today, it convene at 10 a.m. tomorrow. In other words, when we adjourn today, we shall adjourn to convene at 10 o'clock tomorrow.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Mr. President, under what rule does the Senate now proceed in respect to this unanimous-consent request?

The VICE PRESIDENT. Under the advisory opinion the Chair rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote the Senate is proceeding under the rules adopted previously by the Senate, but, as the Chair also indicated in that opinion, it is the view of the Chair that a majority of the Senate has a constitutional right at the beginning of each new Congress to determine what rules it desires to follow.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Will those who seek to have the Senate adopt new rules be, by their acquiescence, waiving the privilege which the Chair has specified if they fail to object to this unanimous-consent request?

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me at that point?

Mr. JAVITS. I yield.

Mr. JOHNSON of Texas. I may say to the Senator from New York that the Parliamentarian advised me that Sena-

tors would not be waiving anything and that it would not affect the situation one way or the other. I consulted the Parliamentarian prior to making my request. The only purpose is to enable Senators to know that we expect the Senate to meet early.

Mr. JAVITS. May I say to the Senator—

The VICE PRESIDENT. The Chair will so rule.

Mr. JAVITS. I thank the Senator from Texas, and I thank the Chair.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Texas? Without objection, the request is agreed to.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Alken	Fulbright	McNamara
Allott	Goldwater	Monroney
Anderson	Gore	Morse
Beall	Green	Morton
Bennett	Hart	Moss
Bible	Hartke	Mundt
Bridges	Hayden	Murray
Bush	Hennings	Muskie
Butler	Hickenlooper	O'Mahoney
Byrd, Va.	Hill	Pastore
Byrd, W. Va.	Holland	Prouty
Cannon	Hruska	Proxmire
Capehart	Humphrey	Randolph
Carlson	Jackson	Robertson
Carroll	Javits	Russell
Case, N.J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Johnston, S.C.	Schoeppel
Chavez	Jordan	Scott
Church	Keating	Smathers
Clark	Kefauver	Smith
Cooper	Kennedy	Sparkman
Cotton	Kerr	Stennis
Curtis	Kuchel	Symington
Dirksen	Langer	Talmadge
Dodd	Lausche	Thurmond
Douglas	Long	Wiley
Dworshak	Martin	Williams, N.J.
Eastland	Magnuson	Williams, Del.
Ellender	Mansfield	Yarborough
Engle	McCCarthy	Young, N. Dak.
Ervin	McClellan	Young, Ohio
Frear	McGee	

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. NEUBERGER] is absent because of illness.

The VICE PRESIDENT. A quorum is present.

SENATORS FROM ALASKA

The VICE PRESIDENT. The Chair lays before the Senate the credentials of the Senators-elect from the State of Alaska. The credentials will be read and placed on file.

The legislative clerk read the credentials of ERNEST GRUENING and E. L. BARTLETT, elected Senators from the State of Alaska, which were ordered to be placed on file, as follows:

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 25th day of November 1958, ERNEST GRUENING was duly chosen, by the qualified electors of the proposed State of Alaska, a Senator from the State of Alaska to represent said State in the Senate of the United States for a term to be determined by authority of the said Senate, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, William A. Egan, and our seal hereto affixed at Juneau, Alaska, this 3d day of January in the year of our Lord 1959.

WILLIAM A. EGAN,
Governor, State of Alaska.

By the Governor:
[SEAL]

HUGH J. WADE,
Secretary of State.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 25th day of November 1958, E. L. BARTLETT was duly chosen, by the qualified electors of the proposed State of Alaska, a Senator from the State of Alaska to represent said State in the Senate of the United States for a term to be determined by authority of the said Senate, beginning on the 3d day of January 1959.

Witness: His Excellency our Governor, William A. Egan, and our seal hereto affixed at Juneau, Alaska, this 3d day of January in the year of our Lord 1959.

WILLIAM A. EGAN,
Governor, State of Alaska.

By the Governor:
[SEAL]

HUGH J. WADE,
Secretary of State.

The VICE PRESIDENT. The Senators-elect will present themselves at the desk to take the constitutional oath of office.

Mr. BARTLETT, escorted by Mr. JOHNSON of Texas, and Mr. GRUENING, escorted by Mr. MANSFIELD, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they each subscribed to the oath in the official oath book; and they took their seats in the Senate.

[Applause on the floor and in the galleries.]

LIST OF SENATORS BY STATES

Alabama.—Lister Hill and John J. Sparkman.

Alaska.—E. L. Bartlett and Ernest Gruening.

Arizona.—Carl Hayden and Barry Goldwater.

Arkansas.—John L. McClellan and J. W. Fulbright.

California.—Thomas H. Kuchel and Clair Engle.

Colorado.—Gordon Allott and John A. Carroll.

Connecticut.—Prescott Bush and Thomas J. Dodd.

Delaware.—John J. Williams and J. Allen Frear, Jr.

Florida.—Spessard L. Holland and George A. Smathers.

Georgia.—Richard B. Russell and Herman E. Talmadge.

Idaho.—Henry C. Dworshak and Frank Church.

Illinois.—Paul H. Douglas and Everett M. Dirksen.

Indiana.—Homer E. Capehart and Vance Hartke.

Iowa.—Bourke B. Hickenlooper and Thomas E. Martin.

Kansas.—Andrew F. Schoeppel and Frank Carlson.

Kentucky.—John S. Cooper and Thruston B. Morton.

Louisiana.—Allen J. Ellender and Russell B. Long.

Maine.—Margaret Chase Smith and Edmund S. Muskie.

Maryland.—John M. Butler and J. Glenn Beall.

Massachusetts.—Leverett Saltonstall and John F. Kennedy.

Michigan.—Pat McNamara and Philip A. Hart.

Minnesota.—Hubert H. Humphrey and Eugene J. McCarthy.

Mississippi.—James O. Eastland and John Stennis.

Missouri.—Thomas C. Hennings, Jr. and Stuart Symington.

Montana.—James E. Murray and Mike Mansfield.

Nebraska.—Roman L. Hruska and Carl T. Curtis.

Nevada.—Alan Bible and Howard W. Cannon.

New Hampshire.—Styles Bridges and Norris Cotton.

New Jersey.—Clifford P. Case and Harrison A. Williams, Jr.

New Mexico.—Dennis Chavez and Clinton P. Anderson.

New York.—Jacob K. Javits and Kenneth B. Keating.

North Carolina.—Sam J. Ervin, Jr. and B. Everett Jordan.

North Dakota.—William Langer and Milton R. Young.

Ohio.—Frank J. Lausche and Stephen M. Young.

Oklahoma.—Robert S. Kerr and A. S. Mike Monroney.

Oregon.—Wayne Morse and Richard L. Neuberger.

Pennsylvania.—Joseph S. Clark, Jr. and Hugh Scott.

Rhode Island.—Theodore F. Green and John O. Pastore.

South Carolina.—Olin D. Johnston and Strom Thurmond.

South Dakota.—Karl E. Mundt and Francis Case.

Tennessee.—Estes Kefauver and Albert Gore.

Texas.—Lyndon B. Johnson and Ralph Yarborough.

Utah.—Wallace F. Bennett and Frank E. Moss.

Vermont.—George D. Aiken and Winston L. Prouty.

Virginia.—Harry Flood Byrd and A. Willis Robertson.

Washington.—Warren G. Magnuson and Henry M. Jackson.

West Virginia.—Jennings Randolph and Robert C. Byrd.

Wisconsin.—Alexander Wiley and William Proxmire.

Wyoming.—Joseph C. O'Mahoney and Gale W. McGee.

TERMS OF NEW SENATORS

Mr. JOHNSON of Texas. Mr. President, as a Senator from the largest State in the Union [laughter] south of the North Pole [laughter], I send to the desk a resolution for the classification of the two Senators from Alaska, and I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 1), as follows:

Resolved, That the Senate proceed to ascertain the classes to which the Senators from

the State of Alaska shall be assigned in conformity with the resolution of the 14th of May, 1789, and as the Constitution requires.

Resolved, That the Secretary put into the ballot box three papers of equal size, numbered, respectively, 1, 2, 3. Each of the Senators from the State of Alaska shall draw out one paper. The paper numbered 1, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1965. The paper numbered 2, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1961. And the paper numbered 3, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1963.

THE VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THE VICE PRESIDENT. Pursuant to the resolution, the Secretary will place in the ballot box 3 papers numbered, respectively, 1, 2, and 3.

The Secretary placed the papers in the ballot box.

THE VICE PRESIDENT. The two Senators from Alaska will now present themselves at the desk.

(Mr. BARTLETT and Mr. GRUENING presented themselves at the desk.)

THE VICE PRESIDENT. By agreement between the two Senators, the Senator from Alaska [Mr. GRUENING] will draw the first paper.

(Mr. GRUENING drew a paper from the box.)

THE VICE PRESIDENT. The Senator from Alaska [Mr. GRUENING] having drawn the paper numbered 3, his term will expire on January 2, 1963.

(Mr. BARTLETT drew a paper from the box.)

THE VICE PRESIDENT. The Senator from Alaska [Mr. BARTLETT], having drawn the paper numbered 2, his term will expire on January 2, 1961.

NOTIFICATION TO THE PRESIDENT

Mr. JOHNSON of Texas submitted the following resolution (S. Res. 2) which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

THE VICE PRESIDENT appointed Mr. JOHNSON of Texas and Mr. DIRKSEN to the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. DIRKSEN submitted the following resolution (S. Res. 3), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. MANSFIELD submitted the following resolution (S. Res. 4) which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

AMENDMENT OF SENATE RULES

Mr. JOHNSON of Texas. Mr. President, on behalf of the distinguished Senator from Arizona [Mr. HAYDEN]; the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN]; the majority whip, the distinguished Senator from Montana [Mr. MANSFIELD]; the chairman of the conference of the minority, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; the chairman of the minority policy committee, the distinguished Senator from New Hampshire [Mr. BRIDGES]; and myself, I send to the desk a resolution and I ask that the clerk read it, with the understanding that I do not lose the floor.

THE VICE PRESIDENT. Without objection, it is so ordered; and the Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 5), as follows:

Resolved, That subsection 2 of rule XXII of the Standing Rules of the Senate is amended (1) by striking out "except subsection 3 of rule XXII," and (2) by striking out "two-thirds of the Senators duly chosen and sworn" and inserting in lieu thereof "two-thirds of the Senators present and voting."

Sec. 2. Subsection 3 of rule XXII of the Standing Rules of the Senate is amended by striking out "and of subsection 2 of this rule."

Sec. 3. Rule XXXII of the Standing Rules of the Senate is amended by inserting "1." immediately preceding "At", and by adding at the end thereof a new paragraph as follows:

"2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

Mr. JAVITS. Mr. President, a point of order.

Mr. CASE of New Jersey. Mr. President—

Mr. JOHNSON of Texas. Mr. President, I do not plan to debate the resolution today, nor do I expect to go into its details or merits. We shall have ample time to do that. But I want to give a brief explanation of the resolution for the benefit of the Members of the Senate.

This is a body of reasonable men and women.

Our continuing unity exceeds our passing division.

There is, I believe, full understanding among us on what will be our first order of business. Not all desire that this should be, but all do accept the fact that it will be, and that the Senate will proceed in orderly and dignified fashion until the matter is resolved.

The concern is with one rule in our body of rules. The concern is not with the full body of rules.

Some believe that rule XXII of the Standing Rules of the Senate should be changed drastically. Some feel it should

not be changed at all. Others among us feel that a constructive measure of responsibility can be added to the rule without a nonconstructive sacrifice of old standards of free debate.

Under any circumstances, it is the variance in our views on rule XXII that we come to reconcile, and we can proceed directly under the rules of the Senate to the issue at hand—rule XXII itself.

That is the purpose of the resolution I offer.

This resolution proposes that rule XXII be changed.

It would permit cloture of debate on the vote of two-thirds of the Senators present and voting.

It would extend cloture to motions to proceed to consider a change in the Standing Rules of the Senate. It would add a new paragraph to section 3 of rule 32 providing that the rules of the Senate shall continue from one Congress to the next unless changed as provided in the rules.

This is the same as Senate Resolution 30 of the last Congress, which I had the privilege of submitting for myself and some 38 other Senators.

The point is not simply the merits of this resolution in terms of what it provides, but, rather, that by making it the business of the Senate we proceed directly to the real issue. Each Senator can, individually, offer such suggestions as he may desire during the course of our deliberations. All views can be heard.

This issue has lingered overly long in our national discussions. The people expect us, as reasonable men and women to resolve it and, as responsible men and women not to create new issues in our wake.

I am, however, fully aware of the provisions of rule 40, which entitles the Senate to 1 day's notice in writing of motions to amend or modify a rule and that any Senator may insist upon the compliance with the rule.

If objection is presented, I shall file such notice and plan to call again for consideration of the resolution at the expiration of 1 day.

I hope that we may proceed on this course. I am sure that we shall give this issue the full consideration which it deserves. I am equally sure that we can—and will—as reasonable men and women resolve the issue so that the Senate may proceed to its important labors for the Nation.

Mr. President, I ask unanimous consent for the immediate consideration of my resolution.

Mr. JAVITS. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry.

THE VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. Under what rule will the resolution submitted by the Senator from Texas be considered?

THE VICE PRESIDENT. The resolution submitted by the Senator from Texas will be considered under the rules of the Senate which have been adopted previously by the Senate. But as the Chair stated earlier today, and as he

expressed himself more fully in an advisory opinion at the beginning of the last Congress, in the opinion of the Chair the rules previously adopted by the Senate and currently in effect are not, insofar as they restrict the power of the Senate to change its rules, binding on the Senate at this time.

The Chair expressed that opinion in the last Congress, but it is only an opinion. The question of constitutionality lies within the power of the Senate itself to decide. The Constitution gives to the Senate the power to make its rules. That means that the Members of the Senate have the right to determine the rules under which the Senate will operate. This right, in the opinion of the Chair, is one which can be exercised by and is lodged in a majority of the Members of the Senate. This right, in the opinion of the Chair, in order to be operative also implies the constitutional right that the majority has the power to cut off debate in order to exercise the right of changing or determining the rules.

Mr. JAVITS. Mr. President, again reserving the right to object, I wish to propound another parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. Does the Chair, therefore, propose to rule at the appropriate time that paragraph 2 of rule XXII, dealing with the method of cloture, and paragraph 3 of rule XXII, which prevents cloture on motions to amend the rules, are inapplicable to the debate on the resolution of the Senator from Texas?

The VICE PRESIDENT. The Chair will at an appropriate time indicate his opinion that those rules are inapplicable insofar as they restrict the constitutional right of a majority of the Senate to determine or change the rules of the Senate. But the Chair will submit that question to the Senate itself to decide, because, as the Chair pointed out, it is a constitutional question, and the Chair lacks the power to make a decision on a constitutional question. He can indicate his opinion, as he has done, but the Senate itself must make the decision.

Mr. JAVITS. Mr. President, again reserving the right to object, I wish to make a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. When will be the proper time to seek that ruling of the Chair?

The VICE PRESIDENT. That time lies within the discretion of the Senators who desire to exercise the right which they consider to be theirs. If, for example, during the course of the debate on the motion of the Senator from Texas, which deals with changing the rules, a Senator believes that action should be taken and debate closed, such Senator at that time could, in the opinion of the Chair, raise the constitutional question by moving to cut off debate. The Chair would indicate his opinion that such a motion was in order but would submit the question to the Senate for its decision.

Mr. JOHNSON of Texas. Mr. President, if Senators will permit the resolution to be considered, I assume we will have the benefit of the opinions of most of the Members of the Senate, advisory

or whatever else they may be, as well as the opinion of the occupant of the Chair at any time. All I wanted to do was to have the question before the Senate, so that the Senate might proceed to consider it. Each Senator may then present his own individual views and recommendations; the Chair, if he desires to do so, can submit his recommendations; and the Senate can give due consideration to them.

Mr. JAVITS. I have no desire, if the Senator from Texas will be so gracious as allow me to say so, to prevent the consideration of the resolution today because of the 1-day rule provided in the rules which are alleged to continue in force. I do, Mr. President, however, have the desire to raise the issue which has been raised in this colloquy, and with the President of the Senate, immediately upon serious consideration of this rule, because I do not believe we who oppose this resolution should run the risk of the ruling and the result of a ruling at some ultimate date when debate has gone on for some considerable period of time.

I shall object to the request only so that the matter may be worked out, if that is the desire of the Senator from Texas. I am, therefore, willing to have him work out, as he has always done so ably, a procedure by which the Senate's will, as to the constitutional question, may be determined before we enter upon a protracted debate. If the Senator would be able to work that out—and I am confident, certainly, for my side, that we shall be more than agreeable to any reasonable arrangements—I should certainly have no objection to going forward today.

I wish to make it clear that I have no desire to precipitate the matter today, by objection.

Mr. JOHNSON of Texas. As I understand, the Senator from New York is seeking the opinion of the Vice President.

The Senator from Texas is seeking the opinion of 97 of his colleagues as to the kind of rule they desire to write.

I do not care to prolong the debate. If the Senator from New York desires to make a point of order, so that the Vice President may render his opinion first, the Senator from Texas will be glad to yield for that purpose at this time. If the Senator from New York does not, I suggest that he permit the resolution to be considered, and that the Senate adjourn until 10 o'clock tomorrow. We shall present the resolution on its merits. No doubt amendments will be offered to it, and various points of order which may be conjured up may be raised.

Mr. JAVITS. Mr. President, the Senator from New York does desire to make the point of order. The legislative situation, as I understand it, is that there is pending a unanimous-consent request. Therefore, as I understand, that would have to be disposed of before I could make the point of order.

I should be glad to make the point, but I want to make it at the convenience of the majority leader, since the majority leader must have had a reason for bringing this resolution up today, and not waiting the 1 day provided by the rule, as referred to by the Senator.

Mr. JOHNSON of Texas. If the Senator from New York will permit the resolution to come before the Senate, the Senator from Texas will immediately yield the floor to the Senator from New York, for the purpose of permitting him to make his point of order.

Mr. JAVITS. That will be agreeable to me.

Mr. CASE of New Jersey. Mr. President, reserving the right to object, let me propound a parliamentary inquiry: namely, whether the resolution is subject to amendment in each of its several parts.

The VICE PRESIDENT. Yes; the resolution would be subject to amendment in each of its parts.

Mr. CASE of New Jersey. Let me further ask whether the whole resolution is subject to having offered to it a substitute or an amendment in the nature of a complete substitute.

The VICE PRESIDENT. That would be in order.

Mr. CASE of New Jersey. A further parliamentary inquiry, and still reserving the right to object: On amendments to particular parts of the resolution, would a record vote lie?

The VICE PRESIDENT. If requested by a Member of the Senate present and approved by the requisite number.

Mr. RUSSELL. Mr. President, I was very much interested in some of the observations which have been made, and I think that what will be the result of the consideration of this resolution should be made perfectly clear to the Senate.

I should like to ask the Chair whether he has held that after the Senate has agreed unanimously to consider the resolution, a point of order against the resolution can be made.

The VICE PRESIDENT. At any stage of the proceeding, a point of order can be raised against the resolution, according to the Parliamentarian.

Mr. RUSSELL. I appreciate the fact that the Chair has consulted the Parliamentarian at this stage of the proceedings. I hope that habit will obtain in the future, if it has not in the past.

I was interested in the matter, and I appreciate the Chair's statement that he might submit the constitutional questions to the Senate for consideration. Is the Chair going to decide whether they are constitutional questions? How shall we know whether they are constitutional questions?

The VICE PRESIDENT. When a Member of the Senate—

Mr. RUSSELL. I am interested in what the Chair had in mind—whether he is going to rule, or whether he is going to let the Senate decide.

The VICE PRESIDENT. The Chair believes he has made his position quite clear. The Chair has always insisted that this question is a constitutional question. The Chair has only indicated his own opinion with regard to the constitutional question, but has indicated that in the final analysis only the Senate itself can make that determination.

Mr. RUSSELL. I am very grateful to the Chair for that ruling. The Chair has made a great many rulings, including the one in 1957 which declared the

rules of the Senate unconstitutional. Of course I have been of the opinion that the Chair was a member of the executive branch of the Government who was given the duty of presiding over a parliamentary body; and that was the first time I had heard that the Chair exercised judicial powers, and could declare a rule of the Senate unconstitutional. But I assume that if that were done, the Senate might, on an appeal, have a right to pass on that issue.

I shall not object to the consideration of the question; but I certainly reserve my own opinion, as the Chair has apparently reserved his, as to the right of a point of order to be lodged against the constitutionality of a proposal which has been considered by the Senate by unanimous consent, and thus permit a unanimous-consent agreement to be set aside by a majority vote of the Senate. That is something which heretofore has never even been considered in the Senate. If there is a unanimous-consent agreement, it can be changed only by unanimous consent. And when the Senate agrees unanimously to consider this matter, I do not believe it is one which can be dislodged by any point of order which can be decided by majority vote.

Of course, the Senate can do anything; it can sit here and solemnly vote that black is white, if it wishes to do so, or vice versa. But when we agree to the consideration of the resolution, and it is before the Senate, I do not believe the Chair can dislodge it by any point of order, under any ruling of which I am aware.

Mr. JAVITS and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Texas yield?

Mr. JOHNSON of Texas. I have no desire to cut off discussion, Mr. President.

Mr. CASE of New Jersey. Mr. President, in view of the fact that the Senator from Georgia has stated that he intends to use a unanimous-consent request for the purpose he indicated, I am constrained to object.

Mr. JAVITS. Mr. President, I join in that objection.

Mr. JOHNSON of Texas. Mr. President, I therefore send to the desk a notice of a motion to amend certain rules of the Senate.

The VICE PRESIDENT. The motion will be read.

The motion submitted by Mr. JOHNSON of Texas was read, as follows:

NOTICE OF MOTION TO AMEND CERTAIN
SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rules XXII and XXXII of the Standing Rules of the Senate in the following particulars, namely:

Subsection 2 of rule XXII of the Standing Rules of the Senate is amended (1) by striking out "except subsection 3 of rule XXII," and (2) by striking out "two-thirds of the Senators duly chosen and sworn" and inserting in lieu thereof "two-thirds of the Senators present and voting."

Subsection 3 of rule XXII of the Standing Rules of the Senate is amended by striking out "and of subsection 2 of this rule."

Rule XXXII of the Standing Rules of the Senate is amended by inserting "1." immediately preceding "At," and by adding at the end thereof a new paragraph as follows:

"2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

The purpose of the proposed amendments is—

(1) To modify subsection 2 of rule XXII by reducing the number of votes required for the adoption of a cloture motion;

(2) To modify subsection 3 of said rule so as to permit a cloture motion to be presented on a motion to proceed to the consideration of any motion, resolution or proposal to change any of the standing rules of the Senate.

(3) To add a new paragraph to rule XXXII to provide that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in the rules of the Senate.

Mr. CASE of New Jersey and Mr. JOHNSON of Texas addressed the Chair.

Mr. ANDERSON. Mr. President, I move that the Senate proceed to adopt its rules. I make the motion on behalf of myself, Mr. CASE of New Jersey, Mr. DOUGLAS, Mr. JAVITS, Mr. HUMPHREY, Mr. KUCHEL, Mr. CARROLL, Mrs. SMITH of Maine, Mr. CLARK, Mr. BUSH, Mr. SYMINGTON, Mr. ALLOTT, Mr. NEUBERGER, Mr. COOPER, Mr. McNAMARA, Mr. BEALL, Mr. MAGNUSON, Mr. KEATING, Mr. JACKSON, Mr. PROUTY, Mr. KENNEDY, Mr. SCOTT, Mr. LAUSCHE, Mr. MORSE, Mr. HENNINGS, Mr. PROXMIER, Mr. PASTORE, Mr. ENGLE, Mr. CANNON, Mr. HART, Mr. MCCARTHY, Mr. MUSKIE, and Mr. WILLIAMS of New Jersey.

My motion is as follows:

In accordance with article 1, section 5 of the Constitution which declares that * * * "each House may determine the rules of its proceedings" * * * I now move that this body take up for immediate consideration the adoption of rules for the Senate of the 86th Congress.

Mr. JOHNSON of Texas. Mr. President, I should like to ask what the parliamentary situation is and when I lost the floor.

The VICE PRESIDENT. The Chair understood the Senator from Texas had yielded.

Mr. JOHNSON of Texas. I do not want my motion displaced. Under rule XL, I have given notice I intend to bring up this motion tomorrow. Would not my motion have priority over the motion of the Senator from New Mexico? If not, I do not want to yield for the purpose of killing my motion.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. ANDERSON. Mr. President, will the Senator indulge me for a brief statement?

Mr. JOHNSON of Texas. If the Chair would give me a ruling, I would appreciate it.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Not at this point.

The VICE PRESIDENT. It is the opinion of the Chair that the Senator from Texas, having given his notice—

Mr. JOHNSON of Texas. I am unable to hear the Chair.

The VICE PRESIDENT. It is the opinion of the Chair that the Senator from Texas, having given notice that he intends to move to amend the rules, can call up his motion the next day. The Chair understands the present parliamentary inquiry is whether or not it is in order for the Senator from New Mexico to move, as he has, the adoption of rules. The Chair, therefore, has the opportunity at this point to rule whether the motion of the Senator from New Mexico is in order. But if the Chair understands correctly, the Senator from Texas has objected to the recognition by the Chair of the Senator from New Mexico.

Mr. JOHNSON of Texas. I have not done so as yet. I have asked the Vice President when I lost the floor. I understood I had been recognized. I understood I was standing at my desk when the Chair recognized the Senator from New Mexico. If the motion of the Senator from New Mexico is going to supplant my motion, that is one question.

Second, I do not agree that the Senator from New Mexico has been recognized as yet.

The VICE PRESIDENT. The Senator from Texas is correct in saying he had the floor. The Chair had the impression, which may have been an incorrect one, that the Senator from Texas was yielding to various Senators, and that he was yielding to the Senator from New Mexico.

Mr. JOHNSON of Texas. No. The Senator from New Mexico did not ask me to yield. I think he will confirm that statement. Various Senators, reserving the right to object, expressed themselves.

The VICE PRESIDENT. Under the circumstances, the Chair is sure the Senator from New Mexico will recognize there was a misunderstanding, because the Chair had recognized the Senator from Texas, and was recognizing other Senators only as the Senator from Texas yielded to them.

Mr. JOHNSON of Texas. I wish to make it very clear that I do not want any other motion to take precedence over my motion. I was asking the Chair for a ruling that I had not lost the floor, and if I had, and the Senator from New Mexico had been recognized, whether my motion would take precedence.

The VICE PRESIDENT. Will the Senator from Texas repeat his inquiry?

Mr. JOHNSON of Texas. If the Senator from New Mexico had been recognized and had offered his motion, would his motion take precedence over my motion?

The VICE PRESIDENT. If the Senator from Texas wants a ruling on that question, the Chair suggests that the Senator from Texas allow the Senator from New Mexico to make the motion.

Mr. JOHNSON of Texas. I had thought the Chair had been making various rulings pretty freely today. Previously I raised the parliamentary inquiry, which I repeat, Would any motion made by the Senator from New Mexico, or any other Senator, take precedence over the motion of the Senator from Texas?

Mr. CASE of New Jersey. Mr. President, on the ruling—

The VICE PRESIDENT. Will the Senator from Texas yield to the Senator from New Jersey for a parliamentary inquiry?

Mr. JOHNSON of Texas. I should like to have a ruling, on my parliamentary inquiry, because I am prepared, as I informed the Chair in advance, to make a motion to adjourn, since I do not want my motion to be supplanted by any other motion. I have not yielded for that purpose. I do not intend to do so.

The VICE PRESIDENT. The Chair will make a ruling with regard to the motion of the Senator from New Mexico if the Senator from Texas will allow the Senator from New Mexico to make the motion.

Mr. JOHNSON of Texas. Will the Chair answer my parliamentary inquiry?

The VICE PRESIDENT. In other words, the Senator from Texas does not want to give the Senator from New Mexico an opportunity to make his motion?

Mr. JOHNSON of Texas. The Chair has been requested to give answers to parliamentary inquiries, which he has been freely disposed to answer in the case of other Senators. The Chair has not shown any disposition to reserve any advisory opinions. I am propounding any motion made by any other Senator would take precedence over the motion I have made.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Not until I have this question cleared up.

Mr. CASE of New Jersey. Will the Senator yield a moment?

Mr. JOHNSON of Texas. I do not yield.

The VICE PRESIDENT. Any views which the Chair expresses would be an opinion only on a constitutional question on which the Senate has the ultimate power of decision. The Chair's opinion would be that any motion which has to do with the constitutional power of the Senate to make its rules can be taken up by the Senate.

Mr. JOHNSON of Texas. Has the Chair concluded?

The VICE PRESIDENT. Yes.

ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand adjourned until 10 o'clock tomorrow morning.

Mr. JAVITS. Mr. President—

The VICE PRESIDENT. A motion to adjourn is not debatable.

Mr. JAVITS, Mr. MORSE, Mr. DOUGLAS, and several other Senators asked for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. ALLOTT voted in the negative when his name was called.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry. Do I understand correctly that if the motion to adjourn shall be agreed to—

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry. Did a Senator answer to his name?

The VICE PRESIDENT. The rollcall will proceed.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. NEUBERGER] is absent because of illness. I further announce that, if present and voting, the Senator from Oregon [Mr. NEUBERGER] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 73, nays 23, as follows:

YEAS—73

Bartlett	Fulbright	Martin
Beall	Gore	Monroney
Bennett	Green	Morton
Bible	Gruning	Mundt
Bridges	Hartke	Murray
Bush	Hayden	Muskie
Butler	Hennings	O'Mahoney
Byrd, Va.	Hickenlooper	Randolph
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Saltonstall
Carlson	Humphrey	Schoeppel
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S. C.	Sparkman
Church	Jordan	Stennis
Cotton	Kefauver	Symington
Curtis	Kennedy	Talmadge
Dirksen	Kerr	Thurmond
Dodd	Langer	Wiley
Dworshak	Lausche	Williams, Del.
Eastland	Long	Yarborough
Ellender	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio
Ervin	McGee	
Frear	Mansfield	

NAYS—23

Alken	Hart	Moss
Allott	Jackson	Pastore
Anderson	Javits	Prouty
Carroll	Keating	Proxmire
Case, N. J.	Kuchel	Scott
Clark	Magnuson	Smith
Cooper	McNamara	Williams, N. J.
Douglas	Morse	

NOT VOTING—2

Goldwater Neuberger

So the motion was agreed to; and (at 1 o'clock and 32 minutes p.m.) the Senate adjourned, the adjournment being, under the order previously entered, until tomorrow, Thursday, January 8, 1959, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 7, 1959

This being the day fixed by the provisions of Public Law 819 (85th Cong., 2d sess.), approved August 28, 1958, for the annual meeting of the Congress of the United States, the Members-elect of the House of Representatives of the 86th Congress met in their Hall, and at 12 o'clock noon were called to order by Hon. Ralph R. Roberts, Clerk of the 85th Congress.

PRAYER

Rev. Bernard Braskamp, D.D., Chaplain of the 85th Congress, offered the following prayer:

Genesis I: 1: *In the beginning God.*
Most merciful and gracious God, in whose divine keeping and control are

the coming in and the going out of all our days and years, we desire to begin, to continue, and to end this 86th Congress with Thee.

We worship and adore Thee as the supreme source and inspiration of faith and fortitude, of wisdom and understanding, and the guiding intelligence in the life of men and of nations.

Grant that on this solemn and sacred day, in the calendar of our Republic, all our citizens may invoke the blessings of Thy grace and favor upon our chosen representatives who have assembled in this Chamber to take the oath of office and the pledge of loyalty and service.

Hear us as we unite in offering unto Thee the prayer of the Prince of Peace:

*Our Father which art in heaven,
Hallowed be Thy name. Thy kingdom
come. They will be done in earth, as it is
in heaven. Give us this day our daily
bread. And forgive us our debts, as we
forgive our debtors. And lead us not
into temptation, but deliver us from evil.
For thine is the kingdom, and the power,
and the glory, for ever.*

Amen.

CALL OF THE ROLL

The CLERK. Representatives-elect of the 86th Congress, this is the day fixed by law, pursuant to the Constitution of the United States, for the meeting of the 86th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect. Certificates of election covering the 436 seats in the 86th Congress have been received and are now on file with the Clerk of the 85th Congress. The names of those persons whose credentials show they were regularly elected in accordance with the laws of the several States and of the United States will be called.

As the roll is called, following the alphabetical order of the States, beginning with the State of Alabama, Representatives-elect will answer to their names to determine whether a quorum is present.

The reading clerk will call the roll by States.

The reading clerk called the roll by States, and the following Representatives-elect answered to their names:

[Roll No. 1]

ALABAMA

Boykin	Roberts	Elliott
Grant	Rains	Jones, Robert E.
Andrews	Selden	Huddleston

The CLERK. A certified copy of the Presidential proclamation indicating that the Territory of Alaska has qualified as a State pursuant to provisions of law has been received.

The clerk will proceed.

ALASKA

Rivers, Ralph J. (at large)

ARIZONA

Rhodes, John J.	Udall
Gathings	Trimble
Mills	Harris
	Alford
	Norrell

CALIFORNIA

Miller, Clement	Shelley	Gubser
W. Johnson	Baldwin	McFall
Harold T.	Cohelan	Sisk
Moss	Miller, George	Hagen
Maillard	P.	McDonough
	Younger	Jackson